

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRUCE J. BITTER, individually, and on behalf of all others similarly situated; DUANE W. LOWRIE, individually, and on behalf of all others similarly situated,	)	Case No. 3:08-cv-00064-LRH-VPC
	)	
Plaintiffs,	)	
	)	
vs.	)	<u>ORDER EXTENDING TIME TO</u>
	)	<u>RESPOND TO CLASS ACTION</u>
MERCK & CO., INC., SCHERING- PLOUGH CORPORATION, and MERCK/SCHERING-PLOUGH PHARMACEUTICALS,	)	<u>COMPLAINT</u>
	)	
Defendants.	)	

This matter having come before the Court on application of the defendants for an extension of time to answer, move, or otherwise respond to the Complaint pending a decision on centralization of this and other matters by the Judicial Panel on Multidistrict Litigation ("MDL Panel") in MDL Docket No. 1938, *In Re Vytarin/Zetia Marketing, Sales and Products Liability Litigation*, and the plaintiffs having consented to the extension on the terms set forth below, it is hereby

1 ORDERED that defendants shall notify the Court of the decision of  
2 the MDL Panel within three business days after the MDL Panel issues its  
3 decision; and it is further

4 ORDERED that the time within which defendants may answer,  
5 move or otherwise respond to the Complaint in the above matter is hereby  
6 extended to a date to be set at the first scheduling conference after the MDL Panel  
7 issues its decision; and it is further

8 ORDERED that if defendants file a responsive pleading in any other  
9 similar action pending in another federal district court, they shall notify plaintiffs'  
10 counsel before filing such a pleading, and plaintiffs may then file a motion to  
11 amend this Order. Defendants reserve the right to oppose such a motion.  
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14 UNITED STATES DISTRICT JUDGE

15 April 3, 2008

16 DATED: \_\_\_\_\_

17 Submitted by:

18 MORRIS PICKERING & PETERSON

19  
20 By: 

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Corporation and Merck/Schering-  
Plough Pharmaceuticals